

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JIMMY LUCERO,**

**Plaintiff,**

**v.**

**Civ: 20-311**

**JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC.,  
BOARD OF DIRECTORS FOR JEMEZ MOUNTAIN ELECTRIC COOPERATIVE,  
INC., in their official and personal capacity,  
DONNA MARTINEZ, in her official and personal capacity,  
ALFONSO MARTINEZ Jr., in his official and personal capacity,  
RANDY VIGIL, in his official and personal capacity AND  
CARLOS SALAZAR, in his official and personal capacity,**

**Defendant.**

**DEFENDANT’S NOTICE OF REMOVAL**

Defendant Alfonso Martinez, by and through his counsel, Law Office of Jonlyn M. Martinez, LLC, respectfully files his Notice of Removal in the above entitled action, and as grounds therefore states:

1. The Plaintiff filed his Complaint for Breach of Contract, Breach of Covenant of Good Faith and Fair Dealing, Negligent Supervision, Retention and Training, Discriminatory Discharge Based on Violation of Human Rights Act, Retaliatory Discharge Against Public Policy Violation, and Intentional Infliction of Emotional Distress (jury trial demanded), (hereafter “Plaintiff’s Complaint”) on January 13, 2020, in the First Judicial District Court.

2. Upon information and belief, Defendant Alfonso Martinez, was served with the Plaintiff’s Complaint on or about March 24, 2020.

3. Among other things, the Plaintiff’s Complaint alleges that the Defendant Martinez was the Union Steward and the local union vice-president for the International Brotherhood of Electrical Workers (“IBEW”). *See Plaintiff’s Complaint* at ¶ 19, attached hereto as Exhibit A.

The Plaintiff also claims that Defendant Martinez is an employee of the Jemez Mountain Electrical Cooperative (“JMEC”). *Id.*, at ¶ 19. The Plaintiff then claims that the IBEW colluded with management officials and employees of the JMEC to sanction and wrongfully terminate the Plaintiff. *Id.*, at ¶ 55. The Plaintiff then claims that the IBEW breached its duty of fair representation owed to the Plaintiff. *Id.*, at ¶ 56. Based on the foregoing, the Plaintiff has brought a claim arising under 29 § 185, *et seq.*

4. Consequently, the Plaintiff’s Complaint sets forth a claim or right arising under the Constitution and laws of the United States and/or a separate and independent claim or cause of action within the jurisdiction conferred on this Court by 28 U.S.C. § 1331. Therefore, this Court has original jurisdiction over this action pursuant to the jurisdiction conferred on this Court by 28 U.S.C. § 1331 and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. §§ 1441(a), (b) and/or (c).

5. Defendant Martinez has not taken any action in the state court matter since he was served with the Plaintiff’s Complaint.

6. A true and correct copy of the Plaintiff’s Complaint is attached hereto as Exhibit “A.” Pursuant to 28 U.S.C. § 1446 and D.N.M.LR-Civ. 81.1(a), a legible copy of all other pleadings, process, orders, records and proceedings from the State Court Action are attached hereto as Exhibit B.

WHEREFORE, Defendant Alfonso Martinez, respectfully files this Notice of Removal to remove the above entitled action from the First Judicial District for the State of New Mexico to this Court.

Respectfully Submitted:

LAW OFFICE OF JONLYN M. MARTINEZ, LLC

*Electronically filed*

By: /s/ Jonlyn M. Martinez

JONLYN M. MARTINEZ

Attorney for Defendant Martinez

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I hereby certify that on April 7, 2020,  
a true and correct copy of the foregoing  
was sent via electronic mail  
to all counsel of record:

/s/ Jonlyn M. Martinez

Jonlyn M. Martinez, Esq.